

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LAMAR A. RAY,

Plaintiff,

v.

Case No. 06-C-1226

CITY OF MILWAUKEE, JOHN P. KUSPA,
MICHAEL W. LUTZ, ZEBDEE WILSON,
RODNEY KLOTKA and SCOTT SILLER,

Defendants.

ORDER

On October 8, 2007, the defendants filed a motion to take a deposition from Lamar A. Ray, the pro se plaintiff who is presently incarcerated in a federal penitentiary. The court granted the motion by margin order on October 9, 2007. The plaintiff has now responded, requesting that the motion be denied on the ground that he is seeking to retain counsel and further that his institution is now in lockdown status as a result of an assault. Plaintiff fears that if he is taken for a deposition, other inmates may believe he is cooperating with authorities.

Based upon the plaintiff's response, the court will stay its order granting the motion for a period of 45 days. Plaintiff must either retain counsel, who shall enter an appearance in this file and contact counsel for the defendants by that time, or submit to the deposition by the plaintiffs. With respect to plaintiff's fear of assault by other inmates, defendants are instructed to take appropriate precautions to insure plaintiff's deposition is not improperly construed as cooperation

with prison authorities. The institution is also to be made aware of plaintiff's fears and encouraged to take whatever steps may be necessary to alleviate them.

SO ORDERED this 16th day of October, 2007.

BY THE COURT:

s/ William C. Griesbach
WILLIAM C. GRIESBACH
United States District Judge